

NORRIS, MCLAUGHLIN & MARCUS
A PROFESSIONAL CORPORATION721 Route 202-206
P.O. Box 1018
Somerville, NJ 08876-1018
(908) 722-0700
Facsimile: (908) 722-0755RECEIVED
CENTRAL FAX CENTER

MAR 30 2006

FACSIMILE COVER SHEET

March 30, 2006

TO: Examiner Hai Vo, Group Art Unit 1771
TELEFAX NUMBER: 571-273-8300
PHONE NUMBER: 571-272-1485
COMPANY/FIRM: U.S. Patent and Trademark Office
FROM: William R. Robinson, Esq. – Reg. No. 27,224
Attorney Docket No.: 78200-040
Applicant: Jean-Francois Courtory
Serial No.: 10/046,019
Filing Date: January 11, 2002
Confirmation No.: 5197
Title: SELECTIVELY EMBOSSED SURFACE COVERINGS
AND PROCESS OF MANUFACTURE

Enclosed for filing are the following document:

- Terminal Disclaimer to Obviate a Provisional Double Patenting Rejection Over a Pending Second Application

We are transmitting 2 pages, including 1 cover page. If the transmission is not complete, please call (908) 722-0700 extension 288 and ask for Carolyn Stanton.

THE INFORMATION CONTAINED IN THIS FACSIMILE MESSAGE IS PRIVILEGED AND CONFIDENTIAL INFORMATION INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY NAMED ABOVE. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE IMMEDIATELY NOTIFY US BY TELEPHONE AND RETURN THE ORIGINAL MESSAGE TO US AT THE ABOVE ADDRESS VIA THE U.S. POSTAL SERVICE. THANK YOU.

New York Office: 220 East 42nd Street, 30th Floor, New York, NY 10017
Telephone: (212) 808-0700 Facsimile: (212) 808-0844

MAR 30 2006

**TERMINAL DISCLAIMER TO OBVIATE A PROVISIONAL DOUBLE
PATENTING REJECTION OVER A PENDING SECOND APPLICATION**Docket No.
78200-040

In re Application of: **Jean-Francois Courttoy**
 Application No. **10/046,019**
 Filed: **January 11, 2002**
 For: **SELECTIVELY EMBOSSED SURFACE COVERINGS AND PROCESS OF MANUFACTURE**

The owner, **Domco Tarkett Inc.** of **100.00** percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173 as shortened by any terminal disclaimer filed prior to the grant of any patent granted on pending second Application Number **10/321,617**, filed on **December 18, 2002**.
 The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the second application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of any patent granted on the second application, as shortened by any terminal disclaimer filed prior to the patent grant, in the event that any such granted patent: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims cancelled by a reexamination certificate, is reissued, or in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

Check either box 1 or 2, if appropriate.

1. ☐ For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful statements may jeopardize the validity of the application or any patent issued thereon.

2. ☒ The undersigned is an attorney of record.
 3. Owner/applicant is ☐ Small entity ☒ Large entity

The terminal disclaimer fee under 37 CFR 1.20(d) is **\$130.00** and is to be paid as follows:

- ☐ A check in the amount of the fee is enclosed.
☒ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account Number **14-1263**.
☐ Payment by credit card. Form PTO-2038 is attached.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

PTO suggested wording for terminal disclaimer was

- ☒ unchanged. ☐ changed (if changed, an explanation should be supplied.)

William R. Robinson
 Signature

Name and Address of Person Signing
William R. Robinson, Esq. - Reg. No. 27,224
Norris, McLaughlin & Marcus
P.O. Box 1018
Sommerville, NJ 08876-1018

Dated: **March 30, 2006**

I hereby certify that this correspondence is being sent deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on

March 30, 2006

(Date)

By Facsimile No. **571-273-8300**

Carolyn P. Stanton
 Signature of Person Mailing Correspondence

Carolyn P. Stanton

Typed or Printed Name of Person Mailing Correspondence

03/31/2006 14:58 FAX 1-800-770-0700 141263 10046019

01 FC: 814 130.00 DA